

Some parts of statement  
(2) not given in oral statement  
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Summary of Nye County Issues - Draft Environmental Impact Statement for a High-Level Nuclear Waste Repository at Yucca Mountain, Nye County, Nevada. (both sessions)

Thank you. My name is Jamieson Walker. I am representing the Nye County Department of Natural Resources and Federal Facilities. EIS000060

[Nye County has undertaken its review of the DEIS, and at this time is stating its preliminary issues and comments. We will follow up with written comments at the end of the 180-day public review and comment period.]

1 The purpose of the DEIS is to identify and evaluate the potential impacts that will likely occur when DOE begins the construction, operation, and closure of the proposed repository at Yucca Mountain. [Nye County finds that the DEIS presents the perspective of a single federal agency in its analysis of the potential impacts. Unfortunately, the DEIS does not incorporate the data, methods, viewpoints and analyses developed by the host county, Nye County.]

11 Because of this narrow agency view point, the DEIS does not realistically define the affected environment and appropriate regions of influence for study; it ignores data, information and analyses collected and prepared by the County; and fails to identify other federal actions and policies affecting Nye County in the analysis of cumulative impacts.

2 [As a result the DOE's analysis does not accurately portray how this action ~~proposed~~ could potentially impact the residents of Nye County, the citizens most directly affected and subject to both the short term consequences and the long-term risks associated with the repository.] Thus, [Nye County  
3... /

...3 believes that the DEIS is inadequate and requests that a second draft EIS that addresses the inadequacies be prepared and released for public review and comment.

4 The Regions of Influence (or study areas) selected for this EIS reflect the narrow federal viewpoint of this DEIS. There is an inherent policy statement in the DEIS that DOE believes that federal land ownership of the majority of the area abrogates their responsibility to evaluate impacts to non-federal entities. For example, the analysis of land use impacts is limited to DOE's proposed land withdrawals and its federal neighbors; it doesn't even consider impacts to the Town of Amargosa Valley, which it overlaps. In essence, using the selected study areas, DOE has limited its evaluation of impacts to federally-managed lands, and has taken the position that any unquantified impacts to the local communities "would be absorbed."

5 Further, use of these ROIs in analysis minimizes the potential impacts to Nye County, its residents, and the availability of its resources. Land use, water resources, and demographic baseline data are examples of resource areas where inappropriate ROIs and baseline data are used. The result is an EIS that does not accurately evaluate and quantify the related effects and risks that rely upon population and related demographic data.

6... NEPA affords local governments the opportunity to identify the potential impacts as they affect the local environment, especially when an action is site specific, as is the YMP repository action. NEPA also allows, and the President's Council on Environmental Quality recommends, that local governments be closely involved in the NEPA process, even as cooperating

...6 agencies. Just as the DEIS acknowledges views of Native American tribes  
 in the region, the EIS should acknowledge the views of Nye County. The  
 7 viewpoints, analyses, and mitigation measures provided by the County, are  
 referenced but not incorporated, and have not been fully accounted for in the  
 proposed action.

8 The DOE identifies opposing technical viewpoints in its DEIS. DOE  
 identifies Nye County's perspective as a local viewpoint, rather than an  
 opposing technical viewpoint. While Nye County is in agreement on some  
 technical issues, where our analyses yielded different conclusions, our  
 results must be identified in the FEIS as opposing technical viewpoints.

9 DOE in the YMP DEIS fails to identify several of the indirect, direct  
 cumulative, and indirect cumulative impacts in the locale of the proposed  
 action, as required by NEPA [at 40 CFR 1508.27] and thus is flawed. The  
 EIS fails to include impacts of past and present actions and policies as well  
 as reasonably foreseeable actions identified in other federal, state, and local  
 documents (e.g., NPS water rights protests, BLM ACECs).

10... [Further, Nye County has repeatedly attempted to use the NEPA process to  
 inform DOE and other federal agencies of the impacts that have occurred,  
 continue to occur, and will likely be exacerbated by the implementation of  
 yet another federal action in Nye County.]

In this regard, federal agencies, including the DOE/NV, USFS, NPS, USAF,  
 US Navy, BLM, BIA, and USFWS have repeatedly failed to fulfill their  
 obligations under NEPA, by refusing to acknowledge such impacts in their

...10

NEPA reviews and provide mitigation measures that are appropriate. Nye County's analyses and evaluations identified a range of direct and indirect cumulative impacts (transportation, land use, water resources, lost economic opportunity, and others). The County believes that these impacts, although adverse and significant, can be mitigated through various measures.

With the cessation of nuclear weapons testing in 1992, Nye County has made substantial efforts to plan for its economic future in the US-95 corridor. The DEIS does not recognize these plans, and does not reflect a DOE obligation to ensure that the YMP will not thwart those plans. Nye County, by virtue of its location, characteristics, and overwhelming federal presence has been disproportionately impacted by past, present, and continuing federal actions. Nye County must receive just equity offsets, mitigation, and compensation from the U.S. <sup>noted</sup> to mitigate the cumulative effects of these past and present actions, and the proposed repository, should it go forward.

Nye County will continue to identify environmental and human health and safety issues, the potential impacts, and appropriate mitigation measures, and will ensure that the County's position is made part of the DOE's Administrative Record for the NEPA process.

¶ [Nye County will present its technical basis and evaluations to support the position that impacts stemming from the implementation of the proposed action can be mitigated, and will continue to request mitigation pursuant to NEPA.]

Thank you.